

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Spencer

- against -

Plaintiff(s),

Ellsworth

| |
|----------------------------|
| USDS SDNY |
| DOCUMENT |
| ELECTRONICALLY FILED |
| DOC #: _____ |
| DATE FILED: <u>8/21/09</u> |

09 Civ. 3773 (JGK)

Defendant(s).

JOHN G. KOELTL, District Judge:

Pursuant to Fed. R. Civ. P. 16(b), after holding a conference in this matter on 8/20/09, the Court hereby orders that:

The Plaintiff will file an amended complaint by 8/11/09.

Pleadings and Parties: Except for good cause shown:

1. No additional parties may be joined or cause of action asserted after 8/20/09 9/11/09
2. No additional defenses may be asserted after 8/25/09.

Discovery: Except for good cause shown, all discovery shall be commenced in time to be completed by 11/30/09. The Court expects discovery to be completed within 60 days of the first scheduling conference unless, after the expiration of that 60 day period, all counsel stipulate that additional time (not to exceed 60 more days) is needed to complete discovery. The expert disclosures required by Fed. R. Civ. P. 26(a)(2) shall be made at least 30 days before the completion of discovery.

Dispositive Motions:* Dispositive motions, if any, are to be completed by 12/18/09. The parties are advised to comply with the Court's Individual Practice 2(B) regarding motions, and to submit one fully briefed set of courtesy copies to the Court.

Pretrial Order/Motions in Limine:* A joint pretrial order, together with any motions in limine or motions to bifurcate, shall be submitted by 11/15/10. The pretrial order shall conform to the Court's Form Joint Pretrial Order, a copy of which may be obtained from the Deputy Clerk.

* Note: In the event a **dispositive motion** is made, the dates for submitting the **Joint Pretrial Order** (together with Memoranda of Law, Requests to Charge, Proposed Voir Dire, Proposed Findings of Fact and Conclusions of Law, as appropriate) shall be changed from that shown above to **three (3) weeks** from the decision on the motion. The **ready trial date** shall be adjourned to a date **four (4) weeks** after the decision on the dispositive motion. The final pretrial conference, if any, will be scheduled by the Deputy Clerk.

At any time **after the ready for trial date**, counsel must notify the Court and their adversaries in writing of any potential scheduling conflicts, including, but not limited to, trials and vacations, that would prevent a trial at a particular time. Such notice must come **before** counsel are notified by the Court of an **actual trial date, not after**. Counsel should notify the Court and all other counsel in writing, at the earliest possible time of any particular scheduling problems involving out-of-town witnesses or other exigencies.

Trial:* The parties shall be ready for trial on 48 hours notice on or after 1/29/09.
The estimated trial time is 5 days, and this a jury /non-jury trial.

Other:

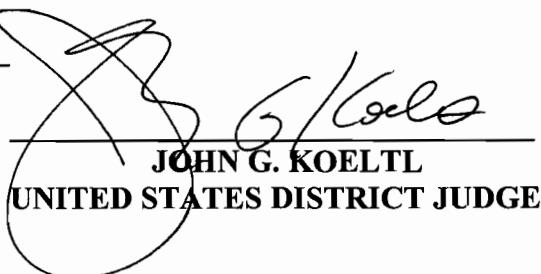
The case is referred to the Magistrate Judge for purposes of settlement (see attached Reference Order).

The parties will notify the Court by 8/14/09 whether a reference to the Magistrate Judge would be useful for purposes of settlement and whether they consent to trial before the Magistrate Judge. The parties may communicate with the Court with respect to these matters by joint letter. If the parties consent to trial before the Magistrate Judge, they are directed to do so by stipulation.

SO ORDERED.

Dated: New York, New York

8/20/09.


JOHN G. KOELTL
UNITED STATES DISTRICT JUDGE